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A
COLLECTION
OF
THE ACTS
OF
THE INDIAN LEGISLATURE
AND OF THE GOVERNOR
GENERAL
FOR THE YEAR
1937



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1938.

Short titles of Acts passed by the Indian Legislature and made by the Governor General in the year 1937.

- I. The Agricultural Produce (Grading and Marking) Act, 1937.
- II. The Indian Naval Armament (Amendment) Act, 1937.
- III. The Land Customs (Amendment) Act, 1937.
- IV. The Indian Income-Tax (Amendment) Act, 1937.
- V. The Indian Lac Cess (Amendment) Act, 1937.
- VI. The Arbitration (Protocol and Convention) Act, 1937.
- VII. The Workmen's Compensation (Amendment) Act, 1937.
- VIII. The Code of Civil Procedure (Amendment) Act, 1937.
- IX. The Code of Civil Procedure (Second Amendment) Act, 1937.
- X. The Indian Electricity (Amendment) Act, 1937.
- XI. The Indian Boilers (Amendment) Act, 1937.
- XII. The Contempt of Courts (Amendment) Act, 1937.
- XIII. The Indian Tea Cess (Amendment) Act, 1937.
- XIV. The Indian Limitation (Amendment) Act, 1937.
- XV. The Indian Army (Amendment) Act, 1937.
- XVI. The Code of Civil Procedure (Third Amendment) Act, 1937.
- XVII. The Indian Red Cross Society (Amendment) Act, 1937.
- XVIII. The Hindu Women's Rights to Property Act, 1937.
- XIX. The Arya Marriage Validation Act, 1937.
- XX. The Repealing and Amending Act, 1937.
- XXI. The Indian Tariff (Amendment) Act, 1937.
- XXII. The Payment of Wages (Amendment) Act, 1937.
- XXIII. The Petroleum (Berar Extension) Act, 1937.

XXIV. The Rules and Regulations Continuance Act, 1937.

XXV. The Federal Court Act, 1937.

XXVI. The Muslim Personal Law (*Shariat*) Application Act, 1937.

XXVII. The Indian Tariff (Second Amendment) Act, 1937.

XXVIII. The Indian Securities (Amendment) Act, 1937.

XXIX. The Indian Mines (Amendment) Act, 1937.

* The Indian Finance Act, 1937.

*No number was given to this Act which was made by the Governor-General under section 67B of the Government of India Act.

ACT NO. I OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
24th February, 1937.)

An Act to provide for the grading and marking of agricultural produce.

WHEREAS it is expedient to provide for the grading and marking of agricultural produce; It is hereby enacted as follows:—

1. (1) This Act may be called the Agricultural Produce (Grading and Marking) Act, 1937. Short title and extent.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas but excluding Burma.

2. In this Act, unless the contrary appears from the Explanations subject or context,—

(a) "agricultural produce" includes all produce of agriculture or horticulture and all articles of food or drink wholly or partly manufactured from any such produce, and fleeces and the skins of animals;

(b) "counterfeit" has the meaning assigned to that word by section 28 of the Indian Penal Code;

(c) "covering" includes any vessel, box, crate, wrapper, tray or other container;

(d) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article;

(e) "grade

XLV of 1860.

Agricultural Produce (Grading and Marking). [ACT I

- (e) "grade designation mark" means a mark prescribed as representing a particular grade designation;
- (f) "quality", in relation to any article, includes the state and condition of the article;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "scheduled article" means an article included in the Schedule; and
- (i) an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

Prescription of
grade designa-
tions.

3. The Governor General in Council may, after previous publication by notification in the Gazette of India, make rules —

- (a) fixing grade designations to indicate the quality of any scheduled article;
- (b) defining the quality indicated by every grade designation;
- (c) specifying grade designation marks to represent particular grade designations;
- (d) authorising a person or a body of persons, subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article;
- (e) specifying the conditions referred to in clause (d) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering;
- (f) providing for the payment of any expenses incurred in connection with the manufacture or

use

use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark; and

(g) providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with a grade designation mark.

4. Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rule made under section 3, shall be punishable with fine which may extend to five hundred rupees.

Penalty for unauthorised marking with grade designation mark.

5. Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

Penalty for counterfeiting grade designation mark.

6. The Governor General in Council, after such consultation as he thinks fit of the interests likely to be affected, may by notification in the Gazette of India declare that the provisions of this Act shall apply to an article of agricultural produce not included in the Schedule, and on the publication of such notification such article shall be deemed to be included in the Schedule.

Extension of application of Act.

THE SCHEDULE.

(See section 2.)

1. Fruit.
2. Vegetables.
3. Eggs.
4. Dairy produce.
5. Tobacco.
6. Coffee.
7. Hides and Skins.

ACT NO. II OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
4th March, 1937.)

An Act further to amend the Indian Naval Arma- ment Act, 1923, for a certain purpose.

WHEREAS it is expedient further to amend the
Indian Naval Armament Act, 1923, for the pur-
pose of giving effect in British India to the Treaty for
the Limitation of Naval Armament and for the Ex-
change of Information concerning Naval Construction
signed in London on behalf of His Majesty on the
twenty-fifth day of March, 1936; It is hereby enacted
as follows:—

1. This Act may be called the Indian Naval Armament short title.
(Amendment) Act, 1937.

2. In the preamble to the Indian Naval Armament Amendment of
preamble to
Act VII of
1923.
Act, 1923 (hereinafter referred to as the said Act), for the
words beginning "Treaty for the Limitation of Naval
Armament signed at Washington" and ending "signed
at London on behalf of His Majesty on the twenty-
second day of April, 1930" the following shall be substi-
tuted, namely:—

"Treaty for the Limitation of Naval Armament
and for the Exchange of Information con-
cerning Naval Construction signed in London
on behalf of His Majesty on the twenty-
fifth day of March, 1936".

3. In

Indian Naval Armament (Amendment) Act II of 1937.]

Amendment of section 2 of Act VII of 1923. 3. In section 2 of the said Act, for clause (c) the following clause shall be substituted, namely:—

“(c) ‘the Treaty’ means the Treaty for the Limitation of Naval Armament and for the Exchange of Information concerning Naval Construction signed in London on behalf of His Majesty on the twenty-fifth day of March, 1936.”

Amendment of section 4 of Act VII of 1923. 4. To section 4 of the said Act the following sub-section shall be added, namely:—

“(3) Any person who, in pursuance of a licence granted under sub-section (1) before the commencement of the Indian Naval Armament (Amendment) Act, 1937, is engaged in ~~II of 1937.~~ building any vessel of war or in altering, arming or equipping any ship so as to adapt her for use as a vessel of war, or is about to despatch or deliver, or allow to be despatched or delivered, from any place within British India any ship which has been so built, altered, armed or equipped, either entirely or partly, within British India, shall, upon written demand, furnish to the Local Government such designs and particulars as may be required by the Local Government for the purpose of securing the observance of the obligations imposed by the Treaty.”

Amendment of section 5 of Act VII of 1923. 5. In sub-section (1) of section 5 of the said Act, after the word and figure “section 3” the following shall be inserted, namely:—

“or fails to comply with the provisions of sub-section (3) of section 4”.

6. The Schedule to the said Act shall be omitted.

Omission of the Schedule to Act VII of 1923.

ACT NO. III OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
4th March, 1937.)

An Act further to amend the Land Customs Act, 1924, for certain purposes.

XIX of 1924. **W**HEREAS it is expedient further to amend the Land Customs Act, 1924, for the purposes hereinafter appearing;

AND WHEREAS it is expedient that certain other enactments should be repealed;

It is hereby enacted as follows:—

1. (1) This Act may be called the Land Customs Short title and
commencement. (Amendment) Act, 1937.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

XIX of 1924. 2. In the long title and preamble to the Land Customs Amendment of
long title and
preamble, Act
XIX of 1924. Act, 1924 (hereinafter referred to as the said Act), for the word "India" the words "British India" shall be substituted.

3. In clause (f) of section 2 of the said Act the brackets Amendment of
section 2, Act
XIX of 1924. and words "(other than territory forming part of a State in India)" shall be omitted.

4. Section 10 of the said Act shall be omitted.

Omission of
section 10, Act
XIX of 1924.

5. In the Schedule to the said Act, before the word Amendment of
Schedule, Act
XIX of 1924. and figures "section 167" the word and figures "section

“section 88,” shall be inserted, and for the word and figures “sections 169” the word and figures “sections 168” shall be substituted.

6. (1) The Acts mentioned in the Schedule are hereby Repeals. repealed to the extent specified in the fourth column thereof.

(2) All notifications published and all rules and orders made, or deemed to have been made, under any of those Acts and in force immediately before the commencement of this Act shall, so far as they are not inconsistent with the Land Customs Act, 1924, be deemed to have been published and made under that Act.

XIX of 1924.

THE SCHEDULE.

ENACTMENTS REPEALED.

[See section 6 (1).]

Year.	No.	Short title.	Extent of repeal.
<i>Acts of the Governor General in Council.</i>			
1844	VI	The Madras Inland Customs Act, 1844.	So much as has not been repealed.
1857	XXIX	The Bombay Land-customs Act, 1857.	So much as has not been repealed.
1874	XV	The Laws Local Extent Act, 1874.	So much of the Second Schedule as relates to Act VI of 1844.
1901	XI	The Amending Act, 1901.	So much of the First Schedule as relates to the Madras Inland Customs Act 1844, and the Madras Inland Customs (Amendment) Act, 1893.
1920	XXXVIII	The Devolution Act, 1920.	So much of the First Schedule as relates to Act XXIX of 1857.

of 1937.] *Land Customs (Amendment).*

THE SCHEDULE—*contd.*

ENACTMENTS REPEALED—*contd.*

[See section 6 (1).]—*contd.*

Year.	No.	Short title.	Extent of repeal.
<i>Acts of the Indian Legislature.</i>			
1934	XIV	The Sugar (Excise Duty) Act, 1934.	Sub-section (2) of section 6.
1934	XXXII	The Indian Tariff Act, 1934.	Section 7.
<i>Madras Act.</i>			
1893	II	The Madras Inland Customs (Amendment) Act, 1893.	The whole.
<i>Bombay Acts.</i>			
1915	III	The Bombay Decentralization Act, 1915.	The Second Schedule.
1921	II	The Bombay Short Titles Act, 1921.	So much of the Schedule as relates to the Bombay Land-customs Act, 1857.

ACT NO. IV OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 4th March, 1937.)

An Act further to amend the Indian Income-tax Act, 1922, for certain purposes.

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1922, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Income-tax short title. (Amendment) Act, 1937.
2. To section 16 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act), the following sub-section shall be added, namely—

“ (3) In computing the total income of any individual for the purpose of assessment, there shall be included—

 - (a) so much of the income of a wife or minor child of such individual as arises directly or indirectly—
 - (i) from the membership of the wife in a firm of which her husband is a partner;
 - (ii) from the admission of the minor to the benefits of partnership in a firm of which such individual is a partner;
 - (iii) from assets transferred directly or indirectly to the wife by the husband otherwise than for adequate consideration or in connection with an agreement to live apart; or
 - (iv) from

Indian Income-tax (Amendment). [ACT IV OF 1937.]

(iv) from assets transferred directly or indirectly to the minor child, not being a married daughter, by such individual ; and

(b) so much of the income of any association of individuals consisting of such individual and his wife as arises from assets transferred to the association by such individual.”

3. To sub-section (5) of section 18 of the said Act the following proviso shall be added, namely :—

“ Provided further that where such person or owner is a person whose income is included under the provisions of sub-section (3) of section 16 in the total income of another person that person shall be deemed to be the person or owner on whose behalf payment has been made and to whom credit shall be given in the assessment for the following year.”

**Amendment
of section 48,
Act XI of
1922.**

4. After sub-section (3) of section 48 of the said Act the following sub-section shall be inserted, namely :—

“ (3A) Where the shareholder referred to in sub-section (1), or the member of a registered firm or the minor admitted to the benefits of partnership referred to in sub-section (2), or the owner of a security referred to in sub-section (3) is a person whose income is included under the provisions of sub-section (3) of section 16 in the total income of another person, the provisions of sub-sections (1), (2) and (3) shall apply as if that person were himself the person entitled to a refund under those sub-sections.”

**Operation
section 2.** **5.** The amendment made in the said Act by section 2 shall not have effect in respect of any income chargeable to income-tax for any year ending before the 1st day of April, 1937.

ACT NO. V OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
4th March, 1937.)

An Act further to amend the Indian Lac Cess Act,
1930, for a certain purpose.

WHEREAS it is expedient further to amend the
xxiv of 1930. Indian Lac Cess Act, 1930, for the purpose herein-
after appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Lac Cess Short title
(Amendment) Act, 1937.

xxiv of 1930. 2. In section 4 of the Indian Lac Cess Act, 1930, for Amendment of
section 4, Act
xxiv of 1930.
the words "Bihar and Orissa", where they occur in
clause (v) of sub-section (4) and in clauses (ii) and (v) of
sub-section (5), the word "Bihar" shall be substituted.

ACT NO. VI OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
4th March, 1937.)

An Act to make certain further provisions respecting the law of arbitration in British India.

WHEREAS India was a State signatory to the Protocol on Arbitration Clauses set forth in the First Schedule, and to the Convention on the Execution of Foreign Arbitral Awards set forth in the Second Schedule, subject in each case to a reservation of the right to limit its obligations in respect thereof to contracts which are considered as commercial under the law in force in British India ;

AND WHEREAS it is expedient, for the purpose of giving effect to the said Protocol and of enabling the said Convention to become operative in British India, to make certain further provisions respecting the law of arbitration ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Arbitration (Protocol and Convention) Act, 1937. Short title, extent and operation.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) The provisions of this Act, except this section, shall have effect only from such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf, and the Governor General in Council may appoint different dates for the coming into effect of different provisions of the Act.

2. In

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Interpretation.

2. In this Act "foreign award" means an award on differences relating to matters considered as commercial under the law in force in British India, made after the 28th day of July, 1924,—

- (a) in pursuance of an agreement for arbitration to which the Protocol set forth in the First Schedule applies, and
- (b) between persons of whom one is subject to the jurisdiction of some one of such Powers as the Governor General in Council, being satisfied that reciprocal provisions have been made, may, by notification in the Gazette of India, declare to be parties to the Convention set forth in the Second Schedule, and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid, and
- (c) in one of such territories as the Governor General in Council, being satisfied that reciprocal provisions have been made, may, by like notification, declare to be territories to which the said Convention applies,

and for the purposes of this Act an award shall not be deemed to be final if any proceedings for the purpose of contesting the validity of the award are pending in the country in which it was made.

**Stay of proceedings
in respect
of matters to
be referred to
arbitration.**

3. Notwithstanding anything contained in the Indian Arbitration Act, 1899, or in the Code of Civil Procedure, 1908, if any party to a submission made in pursuance of an agreement to which the Protocol set forth in the First Schedule as modified by the reservation subject to which it was signed by India applies, or any person claiming through or under him, commences any legal proceedings in any Court against any other party to the submission or any person claiming through or under him in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance and before filing a written statement or taking any other steps in the proceedings, apply to the Court to stay the proceedings; and the Court unless satisfied

of 1937.] *Arbitration (Protocol and Convention).*

satisfied that the agreement or arbitration has become inoperative or cannot proceed, or that there is not in fact any dispute between the parties with regard to the matter agreed to be referred, shall make an order staying the proceedings.

4. (1) A foreign award shall, subject to the provisions of this Act, be enforceable in British India as if it were an award made on a matter referred to arbitration in British India.

Effect of foreign awards.

(2) Any foreign award which would be enforceable under this Act shall be treated as binding for all purposes on the persons as between whom it was made, and may accordingly be relied on by any of those persons by way of defence set off or otherwise in any legal proceedings in British India, and any references in this Act to enforcing a foreign award shall be construed as including references to relying on an award.

5. (1) Any person interested in a foreign award may apply to any Court having jurisdiction over the subject-matter of the award that the award be filed in Court.

Filing of foreign award in Court.

(2) The application shall be in writing and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants.

(3) The Court shall direct notice to be given to the parties to the arbitration, other than the applicant, requiring them to show cause, within a time specified, why the award should not be filed.

6. (1) Where the Court is satisfied that the foreign award is enforceable under this Act, the Court shall order the award to be filed and shall proceed to pronounce judgment according to the award.

Enforcement of foreign award.

(2) Upon the judgment so pronounced a decree shall follow, and no appeal shall lie from such decree except in so far as the decree is in excess of or not in accordance with the award.

7. (1) In

7. (1) In order that a foreign award may be enforceable under this Act it must have—

- (a) been made in pursuance of an agreement for arbitration which was valid under the law by which it was governed,
- (b) been made by the tribunal provided for in the agreement or constituted in manner agreed upon by the parties,
- (c) been made in conformity with the law governing the arbitration procedure,
- (d) become final in the country in which it was made,
- (e) been in respect of a matter which may lawfully be referred to arbitration under the law of British India,

and the enforcement thereof must not be contrary to the public policy or the law of British India.

(2) A foreign award shall not be enforceable under this Act if the Court dealing with the case is satisfied that—

- (a) the award has been annulled in the country in which it was made, or
- (b) the party against whom it is sought to enforce the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case, or was under some legal incapacity and was not properly represented, or
- (c) the award does not deal with all the questions referred or contains decisions on matters beyond the scope of the agreement for arbitration :

Provided that if the award does not deal with all questions referred the Court may, if it thinks fit, either postpone the enforcement of the award or order its enforcement subject to the giving of such security by the person seeking to enforce it as the Court may think fit.

(3) If

(3) If a party seeking to resist the enforcement of a foreign award proves that there is any ground other than the non-existence of the conditions specified in clauses (a), (b) and (c) of sub-section (1), or the existence of the conditions specified in clauses (b) and (c) of sub-section (2), entitling him to contest the validity of the award, the Court may, if it thinks fit, either refuse to enforce the award or adjourn the hearing until after the expiration of such period as appears to the Court to be reasonably sufficient to enable that party to take the necessary steps to have the award annulled by the competent tribunal.

8. (1) The party seeking to enforce a foreign award Evidence. must produce—

- (a) the original award or a copy thereof duly authenticated in manner required by the law of the country in which it was made;
- (b) evidence proving that the award has become final; and
- (c) such evidence as may be necessary to prove that the award is a foreign award and that the conditions mentioned in clauses (a), (b) and (c) of sub-section (1) of section 7 are satisfied.

(2) Where any document requiring to be produced under sub-section (1) is in a foreign language, the party seeking to enforce the award shall produce a translation into English certified as correct by a diplomatic or consular agent of the country to which that party belongs or certified as correct in such other manner as may be sufficient according to the law in force in British India.

9. Nothing in this Act shall—

Saving.

- (a) prejudice any rights which any person would have had of enforcing in British India any award or of availing himself in British India of any award if this Act had not been passed, or
- (b) apply to any award made on an arbitration agreement governed by the law of British India.

10. The

10. The High Court may make rules consistent with this Act as to—

- (a) the filing of foreign awards and all proceedings consequent thereon or incidental thereto ;
- (b) the evidence which must be furnished by a party seeking to enforce a foreign award under this Act ; and
- (c) generally, all proceedings in Court under this Act.

THE FIRST SCHEDULE.

PROTOCOL ON ARBITRATION CLAUSES.

The undersigned, being duly authorised, declare that they accept, on behalf of the countries which they represent, the following provisions :

1. Each of the Contracting States recognises the validity of an agreement whether relating to existing or future differences between parties subject respectively to the jurisdiction of different Contracting States by which the parties to a contract agree to submit to arbitration all or any differences that may arise in connection with such contract relating to commercial matters or to any other matter capable of settlement by arbitration, whether or not the arbitration is to take place in a country to whose jurisdiction none of the parties is subject.

Each Contracting State reserves the right to limit the obligation mentioned above to contracts which are considered as commercial under its national law. Any Contracting State which avails itself of this right will notify the Secretary-General of the League of Nations in order that the other Contracting States may be so informed.

2. The arbitral procedure, including the constitution of the Arbitral Tribunal, shall be governed by the will of the parties and by the law of the country in whose territory the arbitration takes place.

The Contracting States agree to facilitate all steps in the procedure which require to be taken in their

own

own territories, in accordance with the provisions of their law governing arbitral procedure applicable to existing differences.

3. Each Contracting State undertakes to ensure the execution by its authorities and in accordance with the provisions of its national laws of arbitral awards made in its own territory under the preceding articles.

4. The Tribunals of the Contracting Parties, on being seized of a dispute regarding a contract made between persons to whom Article 1 applies and including an Arbitration Agreement whether referring to present or future differences which is valid in virtue of the said article and capable of being carried into effect, shall refer the parties on the application of either of them to the decision of the Arbitrators.

Such reference shall not prejudice the competence of the judicial tribunals in case the agreement or the arbitration cannot proceed or becomes inoperative.

5. The present Protocol, which shall remain open for signature by all States, shall be ratified. The ratification shall be deposited as soon as possible with the Secretary-General of the League of Nations, who shall notify such deposit to all the Signatory States.

6. The present Protocol will come into force as soon as two ratifications have been deposited. Thereafter it will take effect, in the case of each Contracting State, one month after the notification by the Secretary-General of the deposit of its ratification.

7. The present Protocol may be denounced by any Contracting State on giving one year's notice. Denunciation shall be effected by a notification addressed to the Secretary-General of the League, who will immediately transmit copies of such notification to all the other Signatory States and inform them of the date on which it was received. The denunciation shall take effect one year after the date on which it was notified to the Secretary-General, and shall operate only in respect of the notifying State.

8. The

8. The Contracting States may declare that their acceptance of the present Protocol does not include any or all of the undermentioned territories : that is to say, their colonies, overseas possessions or territories, protectorates or the territories over which they exercise a mandate.

The said States may subsequently adhere separately on behalf of any territory thus excluded. The Secretary-General of the League of Nations shall be informed as soon as possible of such adhesions. He shall notify such adhesions to all Signatory States. They will take effect one month after the notification by the Secretary-General to all Signatory States.

The Contracting States may also denounce the Protocol separately on behalf of any of the territories referred to above. Article 7 applies to such denunciation.

THE SECOND SCHEDULE.

CONVENTION ON THE EXECUTION OF FOREIGN ARBITRAL AWARDS.

Article 1.—In the territories of any High Contracting Party to which the present Convention applies, an arbitral award made in pursuance of an agreement, whether relating to existing or future differences (hereinafter called “a submission to arbitration”) covered by the Protocol on Arbitration Clauses opened at Geneva on September 24th, 1923, shall be recognised as binding and shall be enforced in accordance with the rules of the procedure of the territory where the award is relied upon, provided that the said award has been made in a territory of one of the High Contracting Parties to which the present Convention applies and between persons who are subject to the jurisdiction of one of the High Contracting Parties.

To obtain such recognition or enforcement, it shall, further, be necessary :

- (a) That the award has been made in pursuance of a submission to arbitration which is valid under the law applicable thereto ;
- (b) That

- (b) That the subject-matter of the award is capable of settlement by arbitration under the law of the country in which the award is sought to be relied upon ;
- (c) That the award has been made by the Arbitral Tribunal provided for in the submission to arbitration or constituted in the manner agreed upon by the parties and in conformity with the law governing the arbitration procedure ;
- (d) That the award has become final in the country in which it has been made, in the sense that it will not be considered as such if it is open to opposition, *appel* or *pourvoi en cassation* (in the countries where such forms of procedure exist) or if it is proved that any proceedings for the purpose of contesting the validity of the award are pending ;
- (e) That the recognition or enforcement of the award is not contrary to the public policy or to the principles of the law of the country in which it is sought to be relied upon.

Article 2.—Even if the conditions laid down in Article 1 hereof are fulfilled, recognition and enforcement of the award shall be refused if the Court is satisfied :

- (a) That the award has been annulled in the country in which it was made ;
- (b) That the party against whom it is sought to use the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case ; or that, being under a legal incapacity, he was not properly represented ;
- (c) That the award does not deal with the differences contemplated by or falling within the terms of the submission to arbitration or

that

that it contains decisions on matters beyond the scope of the submission to arbitration.

If the award has not covered all the questions submitted to the arbitral tribunal, the competent authority of the country where recognition or enforcement of the award is sought can, if it thinks fit, postpone such recognition or enforcement or grant it subject to such guarantee as that authority may decide.

Article 3.—If the party against whom the award has been made proves that, under the law governing the arbitration procedure, there is a ground, other than the grounds referred to in Article 1 (a) and (c), and Article 2 (b) and (c), entitling him to contest the validity of the award in a Court of Law, the Court may, if it thinks fit, either refuse recognition or enforcement of the award or adjourn the consideration thereof, giving such party a reasonable time within which to have the award annulled by the competent tribunal.

Article 4.—The party relying upon an award or claiming its enforcement must supply, in particular :

- (1) The original award or a copy thereof duly authenticated, according to the requirements of the law of the country in which it was made ;
- (2) Documentary or other evidence to prove that the award has become final, in the sense defined in Article 1 (d), in the country in which it was made ;
- (3) When necessary, documentary or other evidence to prove that the conditions laid down in Article 1, paragraph 1 and paragraph 2 (a) and (c), have been fulfilled.

A translation of the award and of the other documents mentioned in this Article into the official language of the country where the award is sought to be relied upon may be demanded. Such translations must be certified correct by a diplomatic or consular agent of

the.

OF 1937.] *Arbitration (Protocol and Convention).*

the country to which the party who seeks to rely upon the award belongs or by a sworn translator of the country where the award is sought to be relied upon.

Article 5.—The provisions of the above Articles shall not deprive any interested party of the right of availing himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

Article 6.—The present Convention applies only to arbitral awards made after the coming into force of the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923.

Article 7.—The present Convention, which will remain open to the signature of all the signatories of the Protocol of 1923 on Arbitration Clauses, shall be ratified.

It may be ratified only on behalf of those Members of the League of Nations and non-Member States on whose behalf the Protocol of 1923 shall have been ratified.

Ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations, who will notify such deposit to all the signatories.

Article 8.—The present Convention shall come into force three months after it shall have been ratified on behalf of two High Contracting Parties. Thereafter, it shall take effect, in the case of each High Contracting Party, three months after the deposit of the ratification on its behalf with the Secretary-General of the League of Nations.

Article 9.—The present Convention may be denounced on behalf of any Member of the League or non-Member State. Denunciation shall be notified in writing to the Secretary-General of the League of Nations, who will immediately send a copy thereof, certified to be in conformity with the notifications, to all the other Contracting Parties, at the same time informing them of the date on which he received it.

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The denunciation shall come into force only in respect of the High Contracting Party which shall have notified it and one year after such notification shall have reached the Secretary-General of the League of Nations.

The denunciation of the Protocol on Arbitration Clauses shall entail, *ipso facto*, the denunciation of the present Convention.

Article 10.—The present Convention does not apply to the Colonies, Protectorates or territories under suzerainty or mandate of any High Contracting Party unless they are specially mentioned.

The application of this Convention to one or more of such Colonies, Protectorates or territories to which the Protocol on Arbitration Clauses opened at Geneva on September 24th, 1923, applies, can be effected at any time by means of a declaration addressed to the Secretary-General of the League of Nations by one of the High Contracting Parties.

Such declaration shall take effect three months after the deposit thereof.

The High Contracting Parties can at any time denounce the Convention for all or any of the Colonies, Protectorates or territories referred to above. Article 9 hereof applies to such denunciation.

Article 11.—A certified copy of the present Convention shall be transmitted by the Secretary-General of the League of Nations to every Member of the League of Nations and to every non-Member State which signs the same.

ACT NO. VII OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
4th March, 1937.)

An Act further to amend the Workmen's Compensation Act, 1923, for a certain purpose.

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1923, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Workmen's Compensation (Amendment) Act, 1937. Short title.

2. (1) Section 35 of the Workmen's Compensation Act, 1923, shall be re-numbered as sub-section (1) of Amendment of section 35 of Act VIII of 1923. that section and in the said section as so re-numbered—

- for the words "paid to" the words "deposited with," shall be substituted;
- for the words "for the benefit of", where they occur for the first time, the words "which has been awarded to or may be due to" shall be substituted;
- after the word "receipt" the word "distribution" shall be inserted;
- for the word "awarded" the word "deposited" shall be substituted; and
- for the words "and applicable for the benefit of" the words "which has been awarded to or may be due to" shall be substituted.

(2) To

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Price anna 1 or 1½d.

Workmen's Compensation [ACT VII OF 1937.]
(Amendment).

(2) To the said section as so re-numbered the following proviso shall be added, namely :—

“ Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its distribution and apportionment under the provisions of sub-sections (4) and (5) of section 8. ”

(3) After the said section as so re-numbered the following sub-section shall be added, namely :—

“ (2) Where money deposited with a Commissioner has been so transferred in accordance with the rules made under this section, the provisions elsewhere contained in this Act regarding distribution by the Commissioner of compensation deposited with him shall cease to apply in respect of any such money.”

ACT NO. VIII OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 4th March, 1937.)

An Act further to amend the Code of Civil Procedure, 1908, for certain purposes.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1937. Short title and commencement.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. After section 44 of the Code of Civil Procedure, 1908, the following section shall be inserted, namely:—

“44A. (1) Where a certified copy of a decree of any of the superior Courts of the United Kingdom or any reciprocating territory has been filed in a District Court, the decree may be executed in British India as if it had been passed by the District Court.

(2) Together with the certified copy of the decree shall be filed a certificate from such superior Court stating the extent, if any, to which the decree has been satisfied or adjusted and such certificate shall, for the purposes of proceedings under this section, be conclusive proof of the extent of such satisfaction or adjustment.

(3) The

(3) The provisions of section 47 shall as from the filing of the certified copy of the decree apply to the proceedings of a District Court executing a decree under this section, and the District Court shall refuse execution of any such decree, if it is shown to the satisfaction of the Court that the decree falls within any of the exceptions specified in clauses (a) to (f) of section 13.

Explanation 1.—‘ Superior Courts’, with reference to the United Kingdom, means the High Court in England, the Court of Session in Scotland, the High Court in Northern Ireland, the Court of Chancery of the County Palatine of Lancaster and the Court of Chancery of the County Palatine of Durham.

Explanation 2.—‘ Reciprocating territory’ means any country, or territory, situated in any part of His Majesty’s Dominions or in India, which the Governor General in Council may, from time to time, by notification in the Gazette of India, declare to be reciprocating territory for the purposes of this section ; and ‘ superior Courts’, with reference to any such territory, means such Courts as may be specified in the said notification.

Explanation 3.—‘ Decree’, with reference to a superior Court, means any decree or judgment of such Court under which a sum of money is payable, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty, and

(a) with reference to superior Courts in the United Kingdom, includes judgments given and decrees made in any Court in appeals against such decrees or judgments, but

(b) in no case includes an arbitration award, even if such award is enforceable as a decree or judgment.”

OF 1937.] *Code of Civil Procedure (Amendment).*

v of 1908. 3. In rule 22 of Order XXI of the First Schedule of ^{Amendment of rule 22 of} the Code of Civil Procedure, 1908, in 1 (b) after the words ^{Order XXI of the First} "party to the decree" the following shall be inserted, ^{Schedule of} ^{Act V of 1908.} namely :—

"or where an application is made for execution of a decree filed under the provisions of section 44A".

ACT NO. IX OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
4th March, 1937.)

An Act further to amend the Code of Civil Procedure, 1908, for certain purposes.

V of 1908. WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Code of Civil ~~short title.~~
Procedure (Second Amendment) Act, 1937.

2. In the proviso to sub-section (1) of section 60 of ^{Amendment of section 60;}
V of 1908. the Code of Civil Procedure, 1908,— ^{Act V of 1908.}

(a) for clauses (h) and (i) the following clauses shall be substituted, namely :—

“(h) the wages of labourers and domestic servants, whether payable in money or in kind ; and salary, to the extent of the first hundred rupees and one-half the remainder of such salary ;

(i) the salary of any public officer or of any servant of a railway company or local authority to the extent of the first hundred rupees and one-half the remainder of such salary :

Provided that, where the whole or any part of the portion of such salary liable to attachment has been under attachment, whether continuously

*Code of Civil Procedure (Second Amend. [ACT IX
ment]).*

continuously or intermittently for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months and, where such attachment has been made in execution of one and the same decree, shall be finally exempt from attachment in execution of that decree ;”;

(b) in clause (k), for the figures “1897” the figures “1925” shall be substituted ;

(c) for clause (l) the following clause shall be substituted, namely :—

“ (l) any allowance forming part of the emoluments of any public officer or of any servant of a railway company or local authority which the Governor General in Council may by notification in the Gazette of India declare to be exempt from attachment, and any subsistence grant or allowance made to any such officer or servant while under suspension ;” ;

(d) the *Explanation* at the end shall be re-numbered as *Explanation 1* and, to the *Explanation* as so re-numbered the following words shall be added, namely :—

“ and in the case of salary other than salary of a public officer or a servant of a railway company or local authority the attachable portion thereof is exempt from attachment until it is actually payable ”; and

after the *Explanation* as so re-numbered the following *Explanation* shall be added, namely :—

“ *Explanation 2.*—In clauses (h) and (i), ‘salary’ means the total monthly emoluments, excluding any allowance declared exempt from attachment under the

of 1937.] *Code of Civil Procedure (Second Amendment).*

the provisions of clause (l), derived by a person from his employment whether on duty or on leave."

3. The amendments made by section 2 shall not have ^{Retrospective effect.} effect in respect of any proceedings arising out of any suit instituted before the first day of June, nineteen hundred and thirty-seven.

ACT NO. X OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
4th March, 1937.)

An Act further to amend the Indian Electricity Act, 1910, for certain purposes.

WHEREAS it is expedient further to amend the Indian Electricity Act, 1910, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Electricity (Amendment) Act, 1937. Short title and commencement.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. The Indian Electricity Act, 1910 (hereinafter referred to as the said Act), shall, in its application to British India, including British Baluchistan and the Sonthal Parganas but excluding Burma, be amended in the manner hereinafter provided.

3. After section 36 of the said Act the following section shall be inserted, namely:— Insertion of new section 36A in Act IX of 1910.

“ 36A. (1) A Board to be called the Central Electricity Board shall be constituted to exercise the powers conferred by section 37.

(2) The Central Electricity Board shall consist of fifteen members, namely:—

(a) a chairman to be nominated by the Governor General in Council;

(b) one

- (b) one member to be nominated by each of the Local Governments of Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, the Central Provinces, Assam, the North-West Frontier Province, Sind and Orissa;
- (c) one member, holding office for a period of three years, to be nominated alternately by the Local Government of Delhi and the Local Government of Ajmer-Merwara;
- (d) one member to be nominated by the Chief Commissioner of Railways ; and
- (e) one member to be nominated by the Chief Inspector of Mines.

(3) Any vacancy occurring in the Board, otherwise than by the expiry of the term of office of the member referred to in clause (c) of sub-section (2), shall be filled as soon as may be by a nomination made by the authority by whom the member vacating office was nominated.

(4) The Board shall have full power to regulate by by-laws or otherwise its own procedure and the conduct of all business to be transacted by it.

(5) The powers of the Central Electricity Board may be exercised notwithstanding any vacancy in the Board. ”

4. In section 37 of the said Act, for the words “ Governor General in Council ”, in both places where they occur, the words “ Central Electricity Board ” shall be substituted.

5. In section 38 of the said Act,—

- (a) sub-section (3) shall be omitted, and
- (b) sub-section (4) shall be re-numbered as sub-section (3).

Amendment
of section
37, Act
IX of 1910.

Amendment
of section
38, Act IX
of 1910.

ACT NO. XI OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
4th March, 1937.)

An Act further to amend the Indian Boilers Act, 1923, for certain purposes.

V of 1923. **W**HEREAS it is expedient further to amend the Indian Boilers Act, 1923, for the purposes herein-after appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Boilers Short title and
commencement
of Act. (Amendment) Act, 1937.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

V of 1923. 2. The Indian Boilers Act, 1923 (hereinafter referred Application
of section
27A
of Act
V of
1923. to as the said Act), shall, in its application to British India, including British Baluchistan and the Sonthal Parganas but excluding Burma, be amended in the manner hereinafter provided.

3. In section 2 of the said Act, after clause (a) the Amendment
of section 2,
Act V of
1923. following clause shall be inserted, namely:—

“(aa) ‘Board’ means the Central Boilers Board constituted under section 27A :”.

4. After section 27 of the said Act the following Insertion of
new section
27A
in Act
V of
1923. section shall be inserted, namely:—

“ 27A. (1) A Board to be call'd the Central Boilers Board shall be constituted to exercise the powers conferred by section 28. Central Boilers
Board.

(2) The

(2) The Board shall consist of fourteen members, namely :—

- (a) a chairman to be nominated by the Governor General in Council ;
- (b) one member to be nominated by each of the Local Governments of Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, the Central Provinces, Assam, the North-West Frontier Province, Sind and Orissa ;
- (c) one member, holding office for a period of three years, to be nominated alternately by the Local Government of Delhi and the Local Government of Ajmer-Merwara ; and
- (d) one member to be nominated by the Chief Commissioner of Railways.

(3) Any vacancy occurring in the Board, otherwise than by the expiry of the term of office of the member referred to in clause (c) of sub-section (2), shall be filled as soon as may be by a nomination made by the authority by whom the member vacating office was nominated.

(4) The Board shall have full power to regulate by by-laws or otherwise its own procedure and the conduct of all business to be transacted by the Board.

(5) The powers of the Board may be exercised notwithstanding any vacancy in the Board.”

Amendment
of section 287
Act V of
1928.

5. In section 28 of the said Act,—

- (a) for the words “ Governor General in Council ”, in both places where they occur, the word “ Board ” shall be substituted ; and
- (b) after clause (a) the following clause shall be inserted, namely :—
 - “(aa) for prescribing the circumstances in which, the extent to which, and the conditions subject to which variation from the standard conditions laid down under clause (a) may be permitted ; ”.

ACT NO. XII OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 10th March, 1937.)

An Act to amend the Contempt of Courts Act, 1926, for a certain purpose.

XII of 1926. WHEREAS it is expedient to amend the Contempt of Courts Act, 1926, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Contempt of Courts short title. (Amendment) Act, 1937.
2. In the preamble to the Contempt of Courts Act, 1926 (hereinafter referred to as the said Act), the word "subordinate" shall be omitted.
3. To section 3 of the said Act the following proviso shall be added, namely:—

"Provided further that notwithstanding anything elsewhere contained in any law no High Court shall impose a sentence in excess of that specified in this section for any contempt either in respect of itself or of a Court subordinate to it."

Price anna 1 or 1½d.

ACT NO. XIII OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 13th March, 1937.)

An Act further to amend the Indian Tea Cess Act, 1903, for a certain purpose.

IX of 1903. **W**HEREAS it is expedient further to amend the Indian Tea Cess Act, 1903, for the purpose of securing that the said Act should cease to be in force in Burma; It is hereby enacted as follows.—

1. This Act may be called the Indian Tea Cess ^{short title.} (Amendment) Act, 1937.

IX of 1903. 2. To sub-section (2) of section 1 of the Indian ^{Amendment of section 1, Act IX of 1903.} Tea Cess Act, 1903, the words "and Burma" shall be added.

Price anna 1 or 1½d.

ACT NO. XIV OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 13th March, 1937.)

An Act further to amend the Indian Limitation Act, 1908, for a certain purpose.

IX of 1908. WHEREAS it is expedient further to amend the Indian Limitation Act, 1908, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Indian Limitation Short title. (Amendment) Act, 1937.

IX of 1908. 2. In Article 149 in the First Division of the First Schedule to the Indian Limitation Act, 1908, to the Amendment of Article 149, First Schedule to Act IX of 1908. entry in the first column the following words shall be added, namely :—

“ except a suit before the Federal Court in the exercise of its original jurisdiction ”.

Price anna 1 or 1½d.

ACT NO. XV OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th April, 1937.)

An Act further to amend the Indian Army Act, 1911, for a certain purpose.

WHEREAS it is expedient further to amend the Indian Army Act, 1911, for the purpose herein-after appearing; It is hereby enacted as follows:—

VIII of 1911.

1. This Act may be called the Indian Army (Amendment) Act, 1937.
2. In section 2 of the Indian Army Act, 1911,—
Amendment of section 2 of Act VIII of 1911.
(a) to clause (a) of sub-section (1) the following proviso shall be added, namely:—

“ Provided that a person holding a commission in the Army in India Reserve of Officers shall be so subject only when ordered on any duty or service for which he is liable as a member of such reserve force.”; and

(b) to sub-section (2) the following proviso shall be added, namely:—

“ Provided that an officer of the Indian Land Forces retired therefrom and appointed to the Indian Regular Reserve of Officers shall again become so subject when ordered on any duty or service for which he is liable as a member of such reserve force.”

Price anna 1 or 1½d.

ACT NO. XVI OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th April, 1937.)

An Act further to amend the Code of Civil Procedure, 1908, for a certain purpose.

V of 1908. WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purpose hereinafter appearing; It is hereby enacted as follows:—

V of 1908. 1. This Act may be called the Code of Civil Pro- short title. cedure (Third Amendment) Act, 1937.

2. In the First Schedule to the Code of Civil Pro- Amendment of rule 3, Order XXXII, First Schedule to Act V of 1908. cedure, 1908, in Order XXXII, to rule 3 the following sub-rule shall be added, namely:—

“(5) A person appointed under sub-rule (7) to be guardian for the suit for a minor shall, unless his appointment is terminated by retirement, removal or death, continue as such throughout all proceedings arising out of the suit including proceedings in any appellate or revisional Court and any proceedings in the execution of a decree.”

Price anna 1 or 1½d.

ACT NO. XVII OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th April, 1937.)

An Act to amend the Indian Red Cross Society Act, 1920, for certain purposes.

WHEREAS it is expedient to amend the Indian Red Cross Society Act, 1920, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Indian Red Cross Society (Amendment) Act, 1937.

2. Section 8 of the Indian Red Cross Society Act, 1920 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section, and to that section as so re-numbered the following sub-sections shall be added, namely :—

“(2) The Governor General in Council may, by notification in the Gazette of India, direct that any Province, State or other part of India specified in the first column of the Second Schedule shall be excluded therefrom or that any Province, State or other part of India not specified therein shall be included therein and that the percentages specified in the third column of the said Schedule shall be varied as required by any such exclusion or inclusion.

(3) On the issue of a notification under sub-section (2) the Second Schedule shall be deemed to be amended in accordance with such notification.

(4) No notification under sub-section (2) shall be made without the consent of every Branch Committee constituted in the Provinces, States and other parts of India for the time being included in the Second Schedule.”

Price anna 1 or 1½d.

3. For the Second Schedule to the said Act the following Schedule shall be substituted, namely:—

"SECOND SCHEDULE.

(See section 8.)

Substitution
of new
Schedule for
the Second
Schedule to
Act XV of
1921.

Statement showing contributions made by Provinces and States in India to the Central "Our Day" Fund and the approximate percentage of their claim on the interest on the Capital Fund of the Joint War Committee, Indian Branch.

Name of Provinces, States, etc.	Amount of contribution.	Approximate percentage of claim on the interest of Capital Fund.
United Provinces	Lakhs. 15	18.70
Bombay		8.15
Western India States	10	3.14
Sind		1.25
Bengal	10	12.54
Punjab	11	13.47
Central Provinces	4	4.87
Bihar	4½	5.74
Orissa	1	1.08
Madras	5½	7.23
Rajputana	4	4.87
Central India	3½	3.80
Gwalior	1½	1.62
North-West Frontier	2½	2.70
Hyderabad (Deccan)	3	3.80
Assam	1½	1.62
Baluchistan	1½	1.62
Mysore	1½	1.62
Kashmir	1	1.08
Baroda	½	.54
Delhi	½	.54

ACT NO. XVIII OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
14th April, 1937.)

An Act to amend the Hindu Law governing Hindu Women's Rights to Property.

WHEREAS it is expedient to amend the Hindu Law to give better rights to women in respect of property ; It is hereby enacted as follows :—

1. (1) This Act may be called the Hindu Women's Short title and extent. Rights to Property Act, 1937.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas but excluding Burma.

2. Notwithstanding any rule of Hindu Law or custom to the contrary, the provisions of section 3 shall apply where a Hindu dies intestate leaving a widow.

3. (1) When a Hindu governed by the Dayabhag school of Hindu Law dies intestate his property, and when a Hindu governed by any other school of Hindu Law or by customary law dies intestate leaving separate property that separate property shall, subject to the provisions of sub-section (3), devolve upon his widow along with his lineal descendants, if any, in like manner as it devolves upon a son : Devolution of property.

Provided that the widow of a predeceased son shall inherit in like manner as a son if there is no son surviving of such predeceased son, and shall inherit in like manner as a son's son if there is surviving a son or son's son of such predeceased son :

Provided further that the same provision shall apply *mutatis mutandis* to the widow of a predeceased son of a predeceased son.

(2) When a Hindu governed by any school of Hindu Law other than the Dayabhag school or by customary law dies intestate having at the time of his death an interest in a Hindu joint family property, his widow shall, subject to the provisions of sub-section (3), have in the property the same interest as he himself had.

(3) Any

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Price anna 1 or 1½d.

Hindu Women's Rights to Property. [ACT XVIII OF 1937.]

(3) Any interest devolving on a Hindu widow under the provisions of this section shall be the limited interest known as a Hindu woman's estate, provided however that she shall have the same right of claiming participation as a male owner.

(4) The provisions of this section shall not apply to an estate which by a customary or other rule of succession descends to a single heir or to any property to which the Indian Succession Act, 1925, applies.

4. Nothing in this Act shall apply to the property of ~~savings~~ any Hindu dying intestate before the commencement of this Act.

**xxxix of
1925.**

ACT NO. XIX OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
14th April, 1937.)

An Act to recognise and remove doubts as to the validity of inter-marriages current among Arya Samajists.

WHEREAS it is expedient to recognise and place beyond doubt the validity of inter-marriages of a class of Hindus known as Arya Samajists; It is hereby enacted as follows:—

1. (1) This Act may be called the Arya Marriage Validation Act, 1937. Short title and extent.

(2) It extends to the whole of British India including British Baluchistan and the Sonthal Parganas, and applies also to all subjects of His Majesty within other parts of India, and to all Indian subjects of His Majesty without and beyond British India.

2. Notwithstanding any provision of Hindu law, usage or custom to the contrary no marriage contracted whether before or after the commencement of this Act between two persons being at the time of the marriage Arya Samajists shall be invalid or shall be deemed ever to have been invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus or that either or both of the parties at any time before the marriage belonged to a religion other than Hinduism. Marriage between Arya Samajists not to be invalid.

Price anna 1 or 1½d.

GIPD—S1—50LD—14-5-37—4,000.

ACT NO. XX OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 14th April, 1937.)

An Act to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient that certain amendments should be made in the enactments specified in the First Schedule;

AND WHEREAS it is also expedient that the enactments specified in the Second Schedule, which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;

It is hereby enacted as follows:—

1. This Act may be called the Repealing and Amending Act, 1937.
2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.
3. The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof.
4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to; and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand or any indemnity already granted, or the proof of any past act or thing; nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

THE FIRST SCHEDULE.

AMENDMENTS.

(See section 2.)

Year.	No.	Short title.	Amendments.
1	2	3	4
<i>Acts of the Governor General in Council.</i>			
1911	II	The Indian Patents and Designs Act, 1911.	In sub-section (2) of section 9, for the word "three" the word "four" shall be substituted.
1913	VII	The Indian Companies Act, 1913.	In sub-section (1) of section 93, after clause (p) the following word and clause shall be added, namely :— " and (q) where any part of the sums required for the matters set out in sub-section (2) of section 101 is to be provided out of sources other than share capital particulars of the amount to be so provided and the sources thereof."
<i>Acts of the Indian Legislature.</i>			
1922	XI	The Indian Income-tax Act, 1922.	In sub-section (2) of section 30, after the words "intimation of the refusal" the words, brackets, figures and letter "to pass an order under sub-section (1) of section 25A, or" shall be inserted.
1923	XXI	The Indian Merchant Shipping Act, 1923.	In section 155, after clause (e) the following clause shall be inserted, namely :— "(ee) in the case of a ship which is to carry more than one hundred unberthed passengers, that she has on board a medical officer licensed in the prescribed manner;". In sub-section (3) of section 176, for the word "steam", wherever it occurs, the word "machinery" shall be substituted.

1926

Year.	No.	Short title.	Amendments.
1	2	3	4
<i>Acts of the Indian Legislature—contd.</i>			
1926	XXIII	The Delhi Joint Water Board Act, 1926.	In sub-clause (iii) of clause (c) of section 2 and in item (e) of Schedule II, for the words "Cantonment Authority, Delhi New Cantonments" the words and brackets "Military Engineer Services, Delhi (New) Cantonments" shall be substituted.
1934	XXXII	The Indian Tariff Act, 1934.	In the First Schedule,— (i) in item No. 72 (1), in the entry in the second column, for the words "Jacquard harness linen cards" the words "Jacquard harness linen cords" shall be substituted; and (ii) in item No. 72 (2), in the entry in the second column, for the words "electric type blocks" the words "electro-type blocks" shall be substituted.
1936	IV	The Payment of Wages Act, 1936.	In section 17,— (i) in sub-section (1), for the word, brackets and figure "sub-section (3)" the words, brackets and figures "sub-section (3) or sub-section (4)" shall be substituted; and (ii) in clause (c) of sub-section (1) and in sub-section (2), for the word, brackets and figure "sub-section (5)" the word, brackets and figure "sub-section (4)" shall be substituted. In section 24, for the words "employed by a railway administration" the words "employed by or under a railway administration" shall be substituted.

THE SECOND SCHEDULE.

THE SECOND SCHEDULE.

REPEALS.

(See section 3.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
<i>Acts of the Lieutenant-Governor of Bengal in Council.</i>			
1864	VII	The Salt Act, 1864 .	So much as has not been repealed.
1873	I	The Bengal Salt Act, 1873	The whole.
<i>Acts of the Governor General in Council.</i>			
1885	XII	The Indian Sea Passengers Act, 1885.	So much as has not been repealed.
1885	XVIII	The Land Acquisition (Mines) Act, 1885.	Section 15.
1908	IX	The Indian Limitation Act, 1908.	Article 4 of Schedule I.
1913	VII	The Indian Companies Act, 1913.	In section 93, sub-section (10).
1920	XLVII	The Imperial Bank of India Act, 1920.	Section 33.
<i>Acts of the Indian Legislature.</i>			
1923	II	The Malabar (Completion of Trials) Supplementing Act, 1923.	The whole.
1923	XXI	The Indian Merchant Shipping Act, 1923.	Section 146. In clause (e) of section 155 the words "and, if she is to carry more than one hundred passengers to any such port, that she has on board a medical officer licensed in the prescribed manner".
1925	XIII	The Indian Finance Act, 1925.	Schedule III. So much as has not been repealed.
1926	XIX	The Indian Finance Act, 1926.	So much as has not been repealed.
1928	XIII	The Indian (Amendment) Act, 1928.	Mines The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
<i>Acts of the Indian Legislature—contd.</i>			
1929	V	The Workmen's Compensation (Amendment) Act, 1929.	The whole.
1929	VII	The Trade Disputes Act, 1929.	In clause (k) of section 2, the words "or in the Royal Indian Marine Service".
1930	XV	The Indian Finance Act, 1930.	In the long title and preamble, the words commencing with the words and figures "further to amend the Sea Customs Act, 1878", and ending with the words and figures "the Indian Post Office Act, 1898", and the words commencing with the words "to vary the excise duty" and ending with the words and figures "the Indian Finance Act, 1926". Sub-section (3) of section 1. Sections 2, 3, 5, 7, 8 and 9. Schedule II.
1931	XXI	The Indian Mines (Amendment) Act, 1931	The whole
1932	II	The Employers and Workmen (Disputes) Repealing Act, 1932.	The whole.
1932	IV	The Indian Finance (Supplementary and Extending) Amendment Act, 1932.	The whole.
1932	XXII	The Tea Districts Emigrant Labour Act, 1932.	Section 41 and the Schedule.
1933	VI	The Salt Additional Import Duty (Extending) Act, 1933.	The whole.
1933	VII	The Indian Finance Act, 1933.	In the long title and preamble, the words commencing with the words "to fix the duty on salt" and ending with the words and figures "the Indian Post Office Act, 1898" and the words and figures "and further to amend the Indian Paper Currency Act, 1923". Sections 2, 4 and 6. Schedule I.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
<i>Acts of the Indian Legislature—concl'd.</i>			
1934	II	The Reserve Bank of India Act, 1934.	Sections 59, 60 and 61.
1934	IX	The Indian Finance Act, 1934.	In the long title and preamble, the words commencing with the words "to fix the duty on salt" and ending with the words and figures "the Indian Post Office Act, 1898" and the words commencing with the words "further to amend" and ending with the words, brackets and figures "the Silver (Excise Duty) Act, 1930". Sections 2, 4, 6 and 7. Schedule I.
1934	X	The Salt Additional Import Duty (Extending) Act, 1934.	The whole.
1934	XIII	The Trade Disputes (Extending) Act, 1934.	The whole.
1934	XXV	The Factories Act, 1934.	Section 82 and the Schedule.
1934	XXVI	The Bengal Criminal Law Amendment Supplementary (Extending) Act, 1934.	The whole.
1934	XXXII	The Indian Tariff Act, 1934.	Section 13. Schedule III.
1935	II	The Indian Tariff Act, (Amendment) 1935.	The whole.
1935	IV	The Salt Additional Import Duty (Extending) Act, 1935.	The whole.
1935	V	The Indian Mines (Amendment) Act, 1935.	The whole.
1935	XII	The Repealing and Amending Act, 1935.	The whole.
1936	III	The Parsi Marriage and Divorce Act, 1936.	Section 53.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
<i>Acts of the Governor General.</i>			
1931	..	The Indian Finance Act, 1931.	In the long title and preamble, the words commencing with the words "to fix the duty on salt" and ending with the words, brackets and figures "the Motor Spirit (Duties) Act, 1917" and the words commencing with the words "to vary the excise duty on kerosene" and ending with the words, brackets and figures "the Silver (Excise Duty) Act, 1930".
			Sections 2, 5, 6, 8, 9 and 10.
			Schedule III.
1931	..	The Indian Finance (Supplementary and Extending) Act, 1931.	Sections 6 and 10:
1935	..	The Indian Finance Act, 1935	In the long title and preamble, the words commencing with the words "to fix the duty on salt" and ending with the words and figures "the Indian Post Office Act, 1898" and the words commencing with the words "and to vary the excise duty" and ending with the words, brackets and figures "the Silver (Excise Duty) Act, 1930".
			Sections 2, 3, 4 and 6.
			Schedule I.
1935	..	The Criminal Law Amendment Act, 1935.	The whole.

ACT NO. XXI OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 14th April, 1937.)

An Act further to amend the Indian Tariff Act, 1934, for a certain purpose.

WHEREAS it is expedient further to amend the Indian Tariff Act, 1934, for the purpose herein-after appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Tariff (Amendment) Act, 1937.

2. In the First Schedule to the Indian Tariff Act, 1934, for Item No. 10 (2) the following item shall be substituted, namely:—

“ 10(2)	BROKEN RICE	Protective	Twelve annas ..	March
			per Indian maund of 82 2/7 lbs. avoirdupois weight.	31st, 1938.”

¹This section came into effect on the 31st March, 1937, by virtue of a declaration inserted in the Bill under the Provisional Collection of Taxes Act, 1931 (XVI of 1931).

Price anna 1 or 1½d.

ACT NO. XXII OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
14th April, 1937.)

An Act to amend the Payment of Wages Act, 1936, for a certain purpose.

IV of 1936. **W**HEREAS it is expedient to amend the Payment of Wages Act, 1936, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Payment of Wages ^{short title.} (Amendment) Act, 1937.

IV of 1936. 2. To section 9 of the Payment of Wages Act, 1936, ^{Amendment of section 9, Act IV of 1936.} the following *Explanation* shall be added, namely:—

“*Explanation.*—For the purposes of this section, an employed person shall be deemed to be absent from the place where he is required to work if, although present in such place, he refuses, in pursuance of a stay-in strike or for any other cause which is not reasonable in the circumstances, to carry out his work.”

Price anna 1 or 1½d.

GIPD—S1—53 LD—14-5-37—7,000.

ACT NO. XXIII OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
7th October, 1937.)

An Act to extend the Petroleum Act, 1934, to Berar.

WHEREAS in Berar the importation, possession and transport of petroleum and other substances are regulated by the Indian Petroleum Act, 1899, as applied to Berar by order made under the Indian (Foreign Jurisdiction) Order in Council, 1902 ;

AND WHEREAS the Indian Petroleum Act, 1899, was repealed in British India by, and was replaced by, the Petroleum Act, 1934, by which Act the import, transport, storage, production, refining and blending of petroleum and other inflammable substances are now regulated in the whole of British India except Berar ;

AND WHEREAS it is expedient that the Indian Petroleum Act, 1899, in its application to Berar should be repealed and that the Petroleum Act, 1934, should be extended to Berar ;

It is hereby enacted as follows :—

1. This Act may be called the Petroleum (Berar Short title. Extension) Act, 1937.

2. The Indian Petroleum Act, 1899, as in force Repeal in Berar of Act VIII of 1899 and extension of Act XXX of 1934. in Berar, is hereby repealed, and the Petroleum Act, 1934, is hereby extended to and declared to be in force extension of Act XXX of 1934. in Berar.

3. Rules made and notifications issued under the Operation of Petroleum Act, 1934, and in force in British India at the rules. commencement of this Act are hereby extended to and declared to be in force in Berar.

[Price : Anna 1 or 1½d.]

ACT NO. XXIV OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
7th October, 1937.)

An Act to provide for the continuance in force of certain rules and regulations.

WHEREAS it is expedient to provide for the continuance in force of certain rules made under the Indian Electricity Act, 1910, and certain regulations made under the Indian Boilers Act, 1923; It is hereby enacted as follows:—

1. This Act may be called the Rules and Regulations Continuance Act, 1937. Short title.
2. Rules made before the 31st day of March, 1937, under section 37 of the Indian Electricity Act, 1910, and regulations made before the 28th day of March, 1937, under section 28 of the Indian Boilers Act, 1923, by the Governor General in Council shall, on and from the said dates respectively, be deemed to have been made under the said sections of the said Acts by the authority substituted for the Governor General in Council by the Indian Electricity (Amendment) Act, 1937, and the Indian Boilers (Amendment) Act, 1937, respectively, and shall continue to be in force until superseded by rules or regulations made under the said sections of the said Acts by the Central Electricity Board or the Central Boilers Board, as the case may be. Continuance in force of rules and regulations made under the Indian Electricity Act, 1910 and the Indian Boilers Act, 1923.

IX of 1910.
V of 1923.

IX of 1910.

V of 1923.

X of 1937.
XI of 1937.

[Price : Anna 1 or 1½d.]

ACT NO. XXV OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 7th October, 1937.)

An Act to empower the Federal Court to make rules for regulating the service of processes issued by the Court.

WHEREAS it is expedient to confer upon the Federal Court a supplemental power which is necessary for the purpose of enabling the Court more effectively to exercise the jurisdiction conferred upon it by or under the Government of India Act, 1935 ; It is hereby enacted as follows :—

1. This Act may be called the Federal Court Act, 1937. Short title.
2. The Federal Court may make rules for regulating the service of processes issued by the Court, including rules requiring a High Court from which an appeal has been preferred to the Federal Court to serve any process issued by the Federal Court in connection with that appeal.

[Price : Anna 1 or 1½d.]

ACT NO. XXVI OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 7th October, 1937.)

An Act to make provision for the application of the Muslim Personal Law (*Shariat*) to Muslims in British India.

WHEREAS it is expedient to make provision for the application of the Muslim Personal Law (*Shariat*) to Muslims in British India; It is hereby enacted as follows:—

1. (1) This Act may be called the Muslim Personal Law Short title and extent. Application Act, 1937.

(2) It extends to the whole of British India excluding the North-West Frontier Province.

2. Notwithstanding any custom or usage to the contrary, in all questions (save questions relating to agricultural land) regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of Personal Law, marriage, dissolution of marriage, including *talaq, ila, zihar, tian, khula* and *mubaraat*, maintenance, dower, guardianship, gifts, trusts and trust properties, and *wakf's* (other than charities and charitable institutions and charitable and religious endowments) the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (*Shariat*).

3. (1) Any person who satisfies the prescribed authority— Power to make a declaration.

(a) that he is a Muslim, and

(b) that he is competent to contract within the meaning of section 11 of the Indian Contract Act, 1872, and

(c) that he is a resident of British India,

IX of 1914.

may by declaration in the prescribed form and filed before the prescribed authority declare that he desires to obtain the benefit of this Act, and thereafter the provisions of section 2 shall apply to the declarant and all his minor children and their descendants as if in addition to the matters enumerated therein adoption, wills and legacies were also specified.

[Price : Anna 1 or 1½d.]

(2) Where the prescribed authority refuses to accept a declaration under sub-section (1), the person desiring to make the same may appeal to such officer as the Provincial Government may, by general or special order, appoint in this behalf, and such officer may, if he is satisfied that the appellant is entitled to make the declaration, order the prescribed authority to accept the same.

Rule-making power.

4. (1) The Provincial Government may make rules to carry into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(a) for prescribing the authority before whom and the form in which declarations under this Act shall be made ;

(b) for prescribing the fees to be paid for the filing of declarations and for the attendance at private residences of any person in the discharge of his duties under this Act ; and for prescribing the times at which such fees shall be payable and the manner in which they shall be levied.

(3) Rules made under the provisions of this section shall be published in the official Gazette and shall thereupon have effect as if enacted in this Act

Dissolution of marriage by Court in certain circumstances.

5. The District Judge may, on petition made by a Muslim married woman, dissolve a marriage on any ground recognised by Muslim Personal Law (*Shariat*).

Repeals.

6. Provisions of the Acts and Regulations mentioned below shall be repealed in so far as they are inconsistent with the provisions of this Act, namely :—

(1) Section 26 of the Bombay Regulation IV of 1827 ;

(2) Section 16 of the Madras Civil Courts Act, 1873 ;

(3) Section 37 of the Bengal, Agra and Assam Civil Courts Act, 1887 ;

(4) Section 3 of the Oudh Laws Act, 1876 ;

(5) Section 5 of the Punjab Laws Act, 1872 ;

(6) Section 5 of the Central Provinces Laws Act, 1875 ; and

(7) Section 4 of the Ajmere Laws Regulation, 1877.

ACT NO XXVII OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
7th October, 1937.)

An Act further to amend the Indian Tariff Act, 1934, for
a certain purpose.

xxxii of 1934. WHEREAS it is expedient further to amend the Indian Tariff Act, 1934, for the purpose hereinafter appearing: It is hereby enacted as follows:—

1. This Act may be called the Indian Tariff (Second short title. Amendment) Act, 1937.

xxxii of 1934. 2. (1) In the First Schedule to the Indian Tariff Act, Amendment of First Schedule, 1934. Item No. 10 (1) and Item No. 11 (1) shall be Act xxxii of 1934. omitted.

(2) This section shall have effect retrospectively as if it had come into force on the 1st day of April, 1937.

[Price : Anna 1 or 1½d.]

ACT NO. XXVIII OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
7th October, 1937.)

An Act further to amend the Indian Securities Act, 1920,
for a certain purpose.

X of 1920.

WHEREAS it is expedient further to amend the Indian Securities Act, 1920, to enable the Reserve Bank of India to perform certain functions relating to the issue of duplicate, renewed, converted, consolidated or sub-divided securities ; It is hereby enacted as follows :—

1. This Act may be called the Indian Securities short title. (Amendment) Act, 1937.
2. In sub-section (1) of section 10 of the Indian Securities Act, 1920 (hereinafter referred to as the said Act),^{Amendment of section 10, Act X of 1920.} for the word " officer " the word " authority ", for the word " his " the word " its ", and for the word " him " the word " it " shall be substituted.
3. In section 11 of the said Act, for the word " officer "^{Amendment of section 11, Act X of 1920.} in both places where it occurs, the word " authority " shall be substituted.
4. In section 12 of the said Act and in the proviso thereto, for the word " officer ", wherever it occurs, the word " authority " shall be substituted, and for the word " him ", where it occurs for the first time, the word " it " shall be substituted.
5. In section 13 of the said Act,—
 - (a) in sub-section (1),—
 - (i) for the word " officer " the word " authority " shall be substituted ; and
 - (ii) in clause (c), for the word " his " the word " its ", and for the word " he " the word " it " shall be substituted ;
 - (b) in sub-section (2), for the word " officer ", in both places where it occurs, the word " authority " shall be substituted, and for the word " himself ", where it occurs for the first time the words " direct one of its officers to " shall be substituted ; and

Amendment of section 13, Act X of 1920.

[Price : Anna 1 or 1½d.]

(c) in sub-section (3), for the words "The prescribed officer" the words "The officer of the prescribed authority" shall be substituted.

Amendment of sections 17, 19 and 21, Act X of 1920.
6. In sections 15, 19 and 21 of the said Act, for the word "officer", wherever it occurs, the word "authority" shall be substituted.

Amendment of section 24, Act X of 1920.
7. In clause (g) of sub-section (2) of section 24 of the said Act, for the words "officer who" the words "authority which" shall be substituted.

ACT No. XXIX OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 3rd December, 1937.)

An Act further to amend the Indian Mines Act, 1923, for certain purposes.

IV of 1923. **W**HEREAS it is expedient further to amend the Indian Mines Act, 1923, for the purposes herein-after appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Mines (Amendment) Act, 1937. Short title.

XI of 1936. 2. In section 2 of the Indian Mines (Amendment) Act, 1936, Amendment of section 2, Act XI of 1936.

(a) in sub-section (1), for the words "the following sub-section shall be deemed to be inserted" the words "the following sub-section shall be inserted" shall be substituted, and

(b) sub-section (2) shall be omitted.

IV of 1923. 3. In section 9 of the Indian Mines Act, 1923 (herein-after referred to as the said Act), Amendment of section 9, Act IV of 1923.

(a) to sub-section (1) the following words shall be added, namely:—

"and shall not be disclosed to any person other than a Magistrate or an official superior or the owner, agent or manager of the mine concerned, unless the Chief Inspector or the Inspector considers disclosure necessary to ensure the safety of any persons";

(b) in sub-section (2), for the words "to any one, other than a Magistrate or an officer to whom he is subordinate" the following words shall be substituted, namely:—

"contrary to the provisions of sub-section (1)";

(c) in

(c) in sub-section (3), for the words following the words "under this section" the following words shall be substituted, namely:—
"except with the previous sanction of the Central Government".

^{Amendment of section 30A, Act IV of 1928.} 4. In section 30A of the said Act, for the word "regulations" the word "rules" shall be substituted, and for clauses (a), (b), (c) and (d) the following clauses shall be substituted, namely:—

- "(a) requiring the establishment of central rescue stations for groups of specified mines or for all mines in a specified area, and prescribing how and by whom such stations shall be established;
- (b) providing for the management of central rescue stations, and regulating the constitution powers and functions of, and the conduct of business by, the authorities (which shall include representatives of the owners and managers of, and of the miners employed in, the mines or groups of mines concerned) charged with such management;
- (c) prescribing the position, equipment, control, maintenance and functions of central rescue stations;
- (d) providing for the levy and collection of a duty of excise (at a rate not exceeding six pies per ton) on coke and coal produced in and despatched from mines specified under clause (a) in any group or included under clause (a) in any specified area, the utilisation of the proceeds thereof for the creation of a central rescue station fund for such group or area and the administration of such funds;
- (e) providing for the formation, training, composition, and duties of rescue brigades; and
- (f) providing generally for the conduct of rescue work in mines."

^{Amendment of section 31, Act IV of 1928.} 5. In sub-section (1) of section 31 of the said Act, for the word and figure "and 30" the figures and word "30 and 30A" shall be substituted.

THE INDIAN FINANCE ACT, 1937.

(Made by the Governor General on the 31st March, 1937.)

An Act to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the excise duty on sugar leviable under the Sugar (Excise Duty) Act, 1934, to vary certain duties leviable under the Indian Tariff Act, 1934, to vary the excise duty on silver leviable under the Silver (Excise Duty) Act, 1930, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax.

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the excise duty on sugar leviable under the Sugar (Excise Duty) Act, 1934, to vary certain duties leviable under the Indian Tariff Act, 1934, to vary the excise duty on silver leviable under the Silver (Excise Duty) Act, 1930, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Finance short title and extent. Act, 1937.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

2. The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Governor General in Council to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India other than Burma or Aden, be construed as if, for the year beginning on the 1st day of April, 1937, they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section.

Price anna 1 or 1½d.

Amendment of ^{13.} In sub-section (2) of section 3 of the Sugar (Excise ^{XIV} of 1934. section 3, Act ^{XIV} of Duty) Act, 1934,—

- (a) in clause (i), for the words "ten annas" the words "one rupee and five annas" shall be substituted, and
- (b) in clause (ii), for the words "one rupee and five annas" the words "two rupees" shall be substituted.

Amendment of ^{14.} In the First Schedule to the Indian Tariff Act, ^{XXXII of 1934} the First Schedule to 1934, —

- (a) in Item No. 17, for the words and figures "Rs. 9.1 per cwt." in the fourth column the following words and figures shall be substituted, namely :—

"the rate at which excise duty is for the time being leviable on sugar, other than *khand-sari* or palmyra sugar, produced in British India *plus* Rs. 7.4 per cwt.";

- (b) in Items Nos. 61 (2) and 62 (1), for the words "two annas per ounce" in the fourth column the words "three annas per ounce" shall be substituted.

Amendment of ^{15.} In sub-section (1) of section 3 of the Silver (Excise ^{XVIII of 1930} section 3, Act ^{XVIII} of Duty) Act, 1930, for the words "two annas" the words of 1930. "three annas" shall be substituted.

Inland Postage rates. ^{6.} For the year beginning on the 1st day of April, 1937, the Schedule contained in the Schedule to this Act shall be inserted in the Indian Post Office Act, ^{VI of 1898} 1898, as the First Schedule to that Act.

Income-tax and super-tax. ^{7.} (1) Income-tax for the year beginning on the 1st day of April, 1937, shall be charged at rates applicable to the total income of each assessee the same, and increased in each case by the same fraction of the amount of the rate, as for the year beginning on the 1st day of April, 1936.

(2) The rates of super-tax for the year beginning on the 1st day of April, 1937, shall, for the purposes of section 55 of the Indian Income-tax Act, 1922, be the ^{XI of 1922.} same rates, increased in each case by the same fraction of the amount of the rate, as for the year beginning on the 1st day of April, 1936.

(3) For the purposes of sub-section (1) "total income" means total income as determined in accordance with the provisions of the Indian Income-tax Act, ^{XI of 1922.} 1922.

¹ This section came into effect on the 28th February, 1937, by virtue of a declaration inserted in the Bill under the Provisional Collection of Taxes Act, 1931 (XVI of 1931).

THE SCHEDULE.

Schedule to be inserted in the Indian Post Office Act, 1898.

(See section 6.)

“ THE FIRST SCHEDULE.

INLAND POSTAGE RATES.

(See section 7.)

Letters.

For a weight not exceeding one tola	One anna.
For every tola, or fraction thereof, exceeding one tola	Half an anna.

Postcards.

Single	Nine pies.
Reply	One and a half annas.

Book, Pattern and Sample Packets.

For the first two and a half tolas or fraction thereof	Six pies.
For every additional two and a half tolas, or fraction thereof, in excess of two and a half tolas.	Three pies.

Registered Newspapers.

For a weight not exceeding ten tolas	Quarter of an anna.
For a weight exceeding ten tolas and not exceeding twenty tolas . .	Half an anna.
For every twenty tolas, or fraction thereof, exceeding twenty tolas . .	Half an anna.

Parcels.

For a weight not exceeding forty tolas	Four annas.
For every forty tolas, or fraction thereof, exceeding forty tolas . .	Four annas."

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